

**CHAPTER 1093****SECURITY FOR DAMAGES FROM ABANDONMENT OF PIPELINES**

S.F. 2201

**AN ACT** relating to security for damages arising from the abandonment of natural gas pipelines.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 479A.12, Code 1997, is amended to read as follows:

**479A.12 FINANCIAL CONDITION OF COMPANY — BOND OR OTHER SECURITY.**

Before construction is begun by a pipeline company, the company shall satisfy the board that the company has property subject to execution within this state other than pipelines, of a value in excess of two hundred fifty thousand dollars, or the company must file and maintain with the board a surety bond in the penal sum of two hundred fifty thousand dollars with surety approved by the board, conditioned that the company will pay any and all damages legally recovered against it growing out of the construction, abandonment, or operation of its pipeline and underground storage facilities in this state, or the company shall deposit with the board security satisfactory to the board as a guaranty for the payment of that amount of damages, or furnish to the board satisfactory proofs of its solvency and financial ability to pay that amount of damages.

Approved April 15, 1998

---

**CHAPTER 1094****SEXUAL MISCONDUCT WITH OFFENDERS AND JUVENILES**

S.F. 2335

**AN ACT** relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and between prisoners incarcerated in a county jail and employees or agents of a county and providing a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 709.16, Code 1997, is amended to read as follows:

**709.16 SEXUAL MISCONDUCT WITH OFFENDERS AND JUVENILES.**

1. An officer, employee, contractor, vendor, volunteer, or agent of the department of corrections, or an officer, employee, or agent of a judicial district department of correctional services, who engages in a sex act with an individual committed to the custody of the department of corrections or a judicial district department of correctional services commits an aggravated misdemeanor.

2. An officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility who engages in a sex act with a juvenile placed at such facility commits an aggravated misdemeanor.

For purposes of this subsection, a “juvenile placement facility” means any of the following:

a. A child foster care facility licensed under section 237.4.

b. Institutions controlled by the department of human services listed in section 218.1.

c. Juvenile detention and juvenile shelter care homes approved under section 232.142.

- d. Psychiatric medical institutions for children licensed under chapter 135H.
- e. Substance abuse facilities as defined in section 125.2.
- 3. An officer, employee, contractor, vendor, volunteer, or agent of a county who engages in a sex act with a prisoner incarcerated in a county jail commits an aggravated misdemeanor.

Approved April 15, 1998

---

## CHAPTER 1095

### PRESENTENCE INVESTIGATION REPORT DISTRIBUTION

S.F. 2337

**AN ACT** to allow distribution of the presentence investigation report under certain circumstances.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 901.4, Code 1997, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL ~~—~~ DISTRIBUTION.

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. At least three days prior to the date set for sentencing, the court shall serve all of the presentence investigation report upon the defendant's attorney and the attorney for the state, and the report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, a copy of the presentence investigation report shall be forwarded to the director with the order of commitment by the clerk of the district court and to the board of parole at the time of commitment. The presentence investigation report may also be released by the department of corrections or a judicial district department of correctional services pursuant to section 904.602 to another jurisdiction for the purpose of providing interstate probation and parole compact services or evaluations. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report.

Approved April 15, 1998